

REMARKS

Claims 1 – 18, and 38 were previously cancelled, with claim 22 cancelled herein. Claims 19 – 21, 23, 25 – 34 are amended herein. Claims 19 – 21, 23 - 37 are pending in the application. Applicant respectfully requests allowance of the present application in view of the foregoing amendments and following remarks.

Support for the amendments can be found throughout the specification, as amended, including FIG 2 and paragraphs [0004], [0005], [0015], [0033] – [0034], and [0039]. No new matter has been added.

Response to Rejections:

Claims 19 – 37 were rejected under 35 USC 103 as being obvious over Carpentier (WO 01/18633) in view of Lenz (6029196). To establish *prima facie* obviousness of a claimed invention, all words in a claim must be considered for judging the patentability of the claim against the prior art. Applicant has amended claim 19 to more clearly emphasize the patentable aspects of the invention and requests withdrawal of the rejections in view thereof.

Specifically, amended claim 19 includes in relevant part (emphasis added):

“...at least one file stored on the apparatus includes **a portrayed file directory structure** for addressing contents of the file that operates as a file directory structure for the apparatus without requiring a separate local file directory structure on the apparatus, **wherein the portrayed file directory structure comprises: characteristic start symbols and characteristic end symbols** to represent hierarchy levels, wherein the symbols comprise representations of one or more directories, representations of one or more corresponding subdirectories nested therein, and representations of one or more files nested in one or more directories or subdirectories, in a manner **representative of a physical hierarchical file directory structure**, and wherein **the contents of each file** in the portrayed file directory structure **are stored in each case between the respective characteristic symbols** for each file,

thereby allowing directories, subdirectories, and **files to be directly addressable** by means of the respective characteristic symbols...”

The amended claim shows that the file structure in the file is a "portrayed" file structure to be used when the apparatus has no physical local file structure of its own, and that the actual contents of the files are contained in the "portrayed" file structure which can then be addressed hierarchically by following the hierarchical address using the characteristic start symbols. In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.

Applicant submits that Carpentier does not describe or suggest the portrayed file structures of the present claims. Carpentier describes a “descriptor file” 300 (see FIG. 5 and 6A). Although the "descriptor file" appears to be arranged hierarchically with folders (folder name, attributes) and nested file names (file name, attributes) using <hfm1>, the descriptor file itself does not contain the actual file contents as in the present claims. It merely provides a picture of the structure layout with additional metadata and attributes but cannot be used in lieu of a physical file structure. Instead, the "descriptor file" of Carpentier is used to locate and retrieve remote files and their contents stored somewhere else (for security/encryption purposes, etc.). Lenz fails to remedy the shortcomings of Carpentier. Accordingly, without conceding the propriety of the asserted combination, since the references fail to teach or suggest the above-noted limitations, the Office has filed to establish a prima facie case of obviousness, because the Office does not show where each and every claim limitation is taught or fairly suggested by the applied prior art.

Moreover, Carpentier cannot be modified to operate as the present invention as claimed. Specifically, if the file contents were placed in the "descriptor file" itself, it would defeat the purpose of Carpentier of having a separate descriptor file form the contents for security/encryption purposes). Moreover, there is nothing in Carpentier or the other references of record to suggest using a descriptor file as a replacement for the physical directory structure for operation and to provide direct addressing of the files therein. If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention

being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Moreover, for at least the reasons discussed above, Applicant respectfully submits that all of the dependent claims, including claim 37, are also patentable at least based on their dependence from claims 19 as well as based on their own merits. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections and timely pass the application to allowance.

Conclusion

Based on the above amendments and the remarks provided, all of the claims are believed now to be allowable and the application to be in condition for allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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